

**Summary of Videoconference Between
The Bench and Family Bar
January 13, 2021**

Justices in Attendance:

Chief Justice Moreau; Associate Chief Justice Nielsen; Justice Kenny; Justice Yungwirth; Justice Eidsvik; Justice Yamauchi; Justice Mah; Justice Marriott; Justice Bokenfohr; Justice Hollins; Justice Burns; Justice Ho; Justice Dilts; Justice Bercov; Justice Loparco; Justice Richardson; Justice Price; Justice Hayes-Richards; Justice Sidnell

Discussion:

- Family Docket Court (FDC)
 - Currently a one-month lead time to get into FDC. This lead time exceeds the ideal lead time but somewhat results from the holiday court closure and should shorten.
 - Processing time for Notices to Attend in Edmonton and Calgary is 24 hours.
 - Processing time to send out endorsements in Edmonton and Calgary is 24-48 hours.
 - Chambers dates remain available within a reasonable amount of time.
 - Tips for FDC:
 - Discuss resolution before you file the Notice to Attend and definitely prior to attending.
 - Come with thoughts for process and available dates ready.
 - Disclosure orders are being made regularly. Be prepared to address what you need. Notices to Disclose will become less necessary if disclosure can be dealt with in FDC.
 - If matter is child support only consider meeting with a child support resolution officer. You don't need to attend FDC first, but do need an action number.
 - Be reasonable about what can be accomplished in a 20-minute regular chambers slot. The endorsement should say what is permitted to be addressed.
 - Advise the clerk in advance if an interpreter is required. Language line has been used in FDC.
 - A New Notice to Attend Form is available on the Alberta Courts Website. Feedback on the new form is welcomed.

- Update on filing
 - Edmonton is processing divorce documents as of December 7; other family documents as of December 14. Calgary is processing all divorce/family filings as of January 12.

- In Edmonton, Justice Orders are being processed as of November 13 and Masters orders are being processed as of November 17. In Calgary, orders are being processed as of January 8.
 - General filing in Edmonton is being processed as of December 1. General filing in Calgary is being processed as of December 17.
 - The clerks thank lawyers for working with the assigned naming conventions.
 - The clerks are moving to a pure e-mail filing system.
 - The Court has been faced with a loss of clerks due to COVID-19 as clerks have been required to self-isolate to comply with public health recommendations. The Court has had to decide how to deal with limited resources and has been meeting each week to discuss scheduling. When balancing clerks in courtrooms and clerks in the office to manage filing backlog, some sittings were cancelled to ensure filing was ongoing.
 - Edmonton is so far behind Calgary because most of the clerk absences in Edmonton prior to the holiday break occurred in teams dealing with general filing.
 - Vacancies are still being filled, work towards a true e-filing system continues, and the clerks are focusing on the backlog. (In Edmonton general filing is permitted overtime right now to help catch up).
- Emergency Application Process
 - 4 Judges are assigned to review these requests in Edmonton and 8 in Calgary.
 - Justices triage the requests received. The matters may be refused for an urgent hearing, may be sent straight to chambers, or may be reviewed by a duty justice.
 - 2 main reasons for refusals: the lawyers haven't spoken yet and the other side says the matter isn't urgent; matter isn't urgent enough compared with everything else.
 - If the Court can get FDC wait times down to two weeks, there shouldn't be as much need to utilize the emergency application process. This process was in response to long wait times for FDC.
- Desk Applications
 - Reminder to counsel to submit the entire package with the correct naming convention
 - The biggest delay to responding to desk applications is the filing delay. It is causing some reluctance for lawyers to use this process. This adds to lead times for Special Chambers too. Hopefully once filing catches up lawyers will make greater use of this desk process.
 - The new Affidavit of Applicant form is now mandatory. This is a new form so the Court is open to feedback.
- Special Chambers and EICCs
 - Court is hearing feedback from counsel that FDC and focus on early resolution is giving lawyers more tools in their toolbox to encourage resolution. The Court is observing lawyers request to set a "safety Special" in FDC at the same time that

an ADR process is booked. Court is seeking feedback - Is it helpful to lawyers to be more persuasive with clients regarding resolution if there is no backup Specials date set?

- Lawyers are encouraged to come to family docket court prepared and to submit a draft order.
- Court could consider making EICCs a bit longer, maybe 2 or 2.5 hours

Comments from the bar:

- Request for a naming convention for orders that have been signed by a Justice but are not yet filed, with some priority to this sort of filing. It is noted that delay in getting these orders back is causing significant problems in some circumstances.
- A meeting is scheduled to discuss filing issues in Red Deer.
- If there are specific filing issues that are causing significant concern, please provide that specific information so that the Court can track that file and see where the issue was and try to prevent it.
- The Court is looking at the rule that requires the original affidavit to be filed after it has been e-filed.
- CBA Family (South) has a request regarding the Affidavit of Applicant to permit acknowledgement of Service. The alternative suggestion of counsel being allowed to serve their client via email instead of personal service for the Affidavit of service was proposed by the bench and is being considered.

General reminder of the Divorce Act amendments which come in March 1, 2021